
HOUSE BILL No. 1462

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-17.2.

Synopsis: Child care. Specifies that a child who is at least 14 years of age and does not require child care services is not counted for purposes of the limit on the number of children who may be present in a child care home. Specifies that a licensed child care provider is considered to be in compliance with the federal Child Care and Development Fund voucher program requirements if the provider is not found to be in violation of the requirements. Requires a criminal background history check for members of a child care home provider's household. Requires that a child care ministry refrain from employing, or allowing to serve as volunteers, certain individuals.

Effective: July 1, 2007.

Hinkle

January 23, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1462

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.6. (a) "Child care
3 home", for purposes of IC 12-17.2, means a residential structure in
4 which at least six (6) children (not including the children for whom the
5 provider is a parent, stepparent, guardian, custodian, or other relative
6 **or any child who is at least fourteen (14) years of age and does not**
7 **require child care**) at any time receive child care from a provider:

8 (1) while unattended by a parent, legal guardian, or custodian;

9 (2) for regular compensation; and

10 (3) for more than four (4) hours but less than twenty-four (24)
11 hours in each of ten (10) consecutive days per year, excluding
12 intervening Saturdays, Sundays, and holidays.

13 (b) The term includes:

14 (1) a class I child care home; and

15 (2) a class II child care home.

16 SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.7. (a) As used in this



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chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

(2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.8. (a) As used in this chapter, "class II child care home" means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

(2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 4. IC 12-17.2-3.5-1, AS AMENDED BY P.L.16-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article. However, a child care provider that is licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with this chapter **unless the child care provider is found to be in violation of this chapter.**

(b) If a school age child care program that is:

(1) described in IC 12-17.2-2-8(10); and

(2) located in a school building;

is determined to be in compliance with a requirement of this chapter by another state regulatory authority, the school age child care program is considered to be in compliance with the requirement under this

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1 chapter.

2 SECTION 5. IC 12-17.2-5-4, AS AMENDED BY P.L.146-2006,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2007]: Sec. 4. (a) The following constitute sufficient grounds
5 for a denial of a license application:

6 (1) A determination by the department of child services
7 established by IC 31-25-1-1 of child abuse or neglect (as defined
8 in IC 31-9-2-14) by:

9 (A) the applicant;

10 **(B) a member of the applicant's household;**

11 ~~(B)~~ (C) an employee of the applicant who has direct contact,
12 on a regular and continuous basis, with children who are under
13 the direct supervision of the applicant; or

14 ~~(C)~~ (D) a volunteer of the applicant who has direct contact, on
15 a regular and continuous basis, with children who are under
16 the direct supervision of the applicant.

17 (2) A criminal conviction of the applicant, an employee of the
18 applicant who has direct contact, on a regular and continuous
19 basis, with children who are under the direct supervision of the
20 applicant, a volunteer of the applicant who has direct contact, on
21 a regular and continuous basis, with children who are under the
22 direct supervision of the applicant, or a member of the applicant's
23 household, of any of the following:

24 (A) A felony.

25 (B) A misdemeanor related to the health or safety of a child.

26 (C) A misdemeanor for operating a child care center without
27 a license under IC 12-17.2-4-35.

28 (D) A misdemeanor for operating a child care home without a
29 license under section 35 of this chapter.

30 (3) A determination by the division that the applicant made false
31 statements in the applicant's application for licensure.

32 (4) A determination by the division that the applicant made false
33 statements in the records required by the division.

34 (5) A determination by the division that the applicant previously
35 operated a:

36 (A) child care center without a license under IC 12-17.2-4; or

37 (B) child care home without a license under this chapter.

38 (b) Notwithstanding subsection (a)(2), if:

39 (1) a license application is denied due to a criminal conviction of:

40 (A) an employee or a volunteer of the applicant; or

41 (B) a member of the applicant's household; and

42 (2) the division determines that the:

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1 (A) employee or volunteer has been dismissed by the
2 applicant; or

3 (B) member of the applicant's household is no longer a
4 member of the applicant's household;

5 the criminal conviction of the former employee, former volunteer, or
6 former member does not require denial of a license application.

7 SECTION 6. IC 12-17.2-5-32, AS AMENDED BY P.L.146-2006,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2007]: Sec. 32. (a) The following constitute sufficient grounds
10 for revocation of a license:

11 (1) A determination by the department of child services of child
12 abuse or neglect (as defined in IC 31-9-2-14) by:

13 (A) the licensee;

14 **(B) a member of the licensee's household;**

15 ~~(B)~~ (C) an employee of the licensee who has direct contact, on
16 a regular and continuous basis, with children who are under
17 the direct supervision of the licensee; or

18 ~~(C)~~ **(D)** a volunteer of the licensee who has direct contact, on
19 a regular and continuous basis, with children who are under
20 the direct supervision of the licensee.

21 (2) A criminal conviction of the licensee, an employee of the
22 licensee who has direct contact, on a regular and continuous
23 basis, with children who are under the direct supervision of the
24 licensee, a volunteer of the licensee who has direct contact, on a
25 regular and continuous basis, with children who are under the
26 direct supervision of the licensee, or a member of the licensee's
27 household, of any of the following:

28 (A) A felony.

29 (B) A misdemeanor related to the health or safety of a child.

30 (C) A misdemeanor for operating a child care center without
31 a license under IC 12-17.2-4-35.

32 (D) A misdemeanor for operating a child care home without a
33 license under section 35 of this chapter.

34 (3) A determination by the division that the licensee made false
35 statements in the licensee's application for licensure.

36 (4) A determination by the division that the licensee made false
37 statements in the records required by the division.

38 (5) A determination by the division that the licensee previously
39 operated a:

40 (A) child care center without a license under IC 12-17.2-4; or

41 (B) child care home without a license under this chapter.

42 (b) Notwithstanding subsection (a)(2), if:

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(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee;
or

(B) member of the licensee's household is no longer a member
of the licensee's household;

the criminal conviction of the former employee, former volunteer, or
former member does not require revocation of a license.

SECTION 7. IC 12-17.2-6-14 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The child care
ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's
employees and volunteers.

**(2) Refrain from employing, or allowing to serve as a
volunteer, an individual who:**

(A) has been convicted of a:

(i) felony; or

**(ii) misdemeanor related to the health or safety of a
child; or**

**(B) is a person against whom an allegation of child abuse
or neglect has been substantiated under IC 31-33.**

~~(2)~~ **(3) Maintain records of each criminal history check.**

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